



DEPARTMENT OF THE ARMY

US Army Criminal Investigation Command
Fort Carson CID Office
6525 Specker Avenue Building 1816
Fort Carson, Colorado, 80913-0913

WC4KAA

2016/01/05

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Law Enforcement Report - SIR (Category 1)/Final - 00342-2015-CID056-001319-5H/ 5X1/9J

1. Offense:

- a. Homicide (UCMJ - Article 118) (Insufficient Evidence)
- b. Conspiracy - Person Offenses (UCMJ - Article 81) (Insufficient Evidence)

2. Dates/Times/Locations of Occurrences: 0001, 08 Jan 10 - 2359, 08 Jan 12; Unknown Location, Unknown, Afghanistan

3. Date/Time Reported: 1515, 21 Apr 15

4. Investigated By:

(b)(6) (b)(7)(C)

5. Subjects/Suspects:

a. (b)(6) (b)(7)(C) SFC; XXX-XX (b)(6) (b)(7)(C) Male; White; Charlie Company, 4th Battalion, 10th Special Forces Group, Fort Carson, CO, 80913; [Conspiracy - Person Offenses (Insufficient Evidence)]

b. UNKNOWN - 9249219; [Homicide (Insufficient Evidence)]

6. Victims: UNKNOWN - 9249218; [Homicide (Insufficient Evidence)], [Conspiracy - Person Offenses (Insufficient Evidence)]

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7. Report Summary:

This office was notified by SAC (b)(6) (b)(7)(C) Special Operations Task Force, CID, Fort Bragg, NC, that during the questionnairing phase of selection for Special Missions Unit (SMU), SFC (b)(6) (b)(7)(C) disclosed his team executed a detainee (NFI) while deployed to Afghanistan.

Investigation did not develop sufficient evidence to prove or disprove that a detainee was unlawfully killed or that SFC (b)(6) (b)(7)(C) conspired with members of his team to kill the detainee. After a thorough investigation, including interviews of the SMU Board members; subject, witness interviews and other significant interviews; the initial report could not be substantiated or refuted.

CPT (b)(6) (b)(7)(C) Trial Counsel, 10th Special Forces Group (Airborne), FCCO, concurred probable cause did not exist to believe SFC (b)(6) (b)(7)(C) committed the offense of Conspiracy. CPT (b)(6) (b)(7)(C) based his opinion on the totality of the investigation and indicated there was insufficient evidence to prove or disprove SFC (b)(6) (b)(7)(C) committed the offense of Conspiracy.

Exhibits:

Attached:

- (1) Agent's Investigative Report (AIR) of SA (b)(6) (b)(7)(C) 6 May 15.
- (2) Statement of CSM (b)(6) (b)(7)(C) 16 Apr 15.
- (3) Statement of LTC (b)(6) (b)(7)(C) 16 Apr 15.
- (4) Statement of LTC (b)(6) (b)(7)(C) 16 Apr 15.
- (5) Statement of LTC (b)(6) (b)(7)(C) 16 Apr 15.
- (6) Statement of CSM (b)(6) (b)(7)(C) 16 Apr 15.
- (7) Rights Waiver Certificate of SFC (b)(6) (b)(7)(C) 6 May 15
- (8) DVD containing Interview of SF (b)(6) (b)(7)(C) 6 May 15.

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- (9) AIR of SA (b)(6) (b)(7)(C) 8 Jun 15.
 - (10) Statement of MSG (b)(6) (b)(7)(C) 21 May 15.
 - (11) Statement of Mr. (b)(6) (b)(7)(C) 22 May 15.
 - (12) Statement of SFC (b)(6) (b)(7)(C) 22 May 15.
 - (13) Statement of SFC (b)(6) (b)(7)(C) 29 May 15.
 - (14) Statement of SFC 2 Jun 15.
 - (15) Statement of SSG (b)(6) (b)(7)(C) 2 Jun 15.
 - (16) AIR of SA (b)(6) (b)(7)(C) 30 Jul 15.
 - (17) AIR of SA (b)(6) (b)(7)(C) 22 Jul 15.
 - (18) Statement of CSM (b)(6) (b)(7)(C) 16 Nov 15.
 - (19) AIR of SA (b)(6) (b)(7)(C) 9 Dec 15.
 - (20) Rights Waiver Certificate of SFC (b)(6) (b)(7)(C) 16 Nov 15.
 - (21) Polygraph Examination Report of SFC (b)(6) (b)(7)(C) 16 Nov 15.
- Not Attached:
- (22) Polygraph Authorization 15-1676, 16 Nov 15.
 - (23) Polygraph Examination Consent, 16 Nov 15.
 - (24) Polygraph 5.

The copies of originals retained at the CRC become the original exhibits of record when

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the final disposition of the originals retained by this office occurs IAW AR 25-400-2.

CID Law Enforcement Reports may be subject to a Quality Assurance Review by Higher CID Headquarters.

8. Unique Circumstances:

War Crimes [9J]

Subject: N/A

Victim: N/A

Relationship: N/A

Status: This is a Final Report. Commander's Report of Disciplinary or Administrative Action (DA Form 4833) is pending.

Commanders are reminded of the provisions of AR 600-8-2 pertaining to suspension of favorable personnel actions and AR 380-67 for the suspension of security clearances of persons under investigation. Army Law Enforcement reports are exempt from automatic termination of protective markings in accordance with Chapter 3, AR 25-55. In accordance with AR 340-21, AR190-45, and DOD 5400.7-R, information contained in this report is law enforcement sensitive, confidential and private in nature, and any further distribution (forwarding to unauthorized personnel) without the authorization of the Provost Marshal General will be in violation of the UCMJ and USC.

Report Prepared By

Report Approved By

Special Agent (b)(6) (b)(7)(C)

Special Agent in Charge (b)(6) (b)(7)(C)
(b)(6) (b)(7)(C)

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Signature Authority

DISTRIBUTION:

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CASE HISTORY:

00342-2015-CID056-001319